

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 1990-739-T - ORDER NO. 2006-353

JUNE 12, 2006

IN RE:	Application of H. D. Auston & Son, Inc. d/b/a	)	ORDER DISMISSING
	H. D. Auston & Son Moving & Storage, 6205	)	PETITION FOR RULE TO
	White Horse Road, Greenville, South	)	SHOW CAUSE
	Carolina 29611 (District 4) for a Class E	)	
	(Household Goods) Certificate of Public	)	
	Convenience and Necessity.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of the South Carolina Office of Regulatory Staff (ORS) to Dismiss Petition for Rule to Show Cause (Motion to Dismiss) against H. D. Auston & Son, Inc. d/b/a H. D. Auston & Son Moving & Storage (H. D. Auston or the Company).

On May 12, 2006, ORS filed a Petition for Rule to Show Cause (Petition) against H. D. Auston requesting the Commission institute a rule to show cause proceeding against H. D. Auston for failure to maintain and file evidence of insurance as required by S.C. Code Ann. § 58-23-910 (Supp. 2005) and 26 S.C. Code Regs. 103-175 (Supp. 2005). ORS notes that contemporaneously with this Petition, it filed a Motion for Immediate Suspension of Certificate of Public Convenience and Necessity (Motion) of H. D. Auston.

ORS states in its Motion to Dismiss that at the time of the filing of ORS's Petition and Motion, H. D. Auston did not have on file with the ORS evidence of the requisite insurance. Subsequent to its filing of the Petition and Motion, ORS asserts that on May 15, 2006, H. D. Auston filed with the ORS a Form E, "Uniform Motor Carrier Bodily

Injury and Property Damage Liability Certificate of Insurance” from Canal Insurance Company evidencing that H. D. Auston was in compliance with S.C. Code Ann. § 58-23-910 (Supp. 2005) and 26 S.C. Code Regs. 103-175 (Supp. 2005).

As H. D. Auston is now in compliance with the requirements of maintaining and filing evidence of insurance, the ORS states that the need for a rule to show cause proceeding has ceased and that the immediate suspension of certificate of public convenience and necessity has ended as well. Accordingly, the ORS requests that its pending Petition for a Rule to Show Cause against H. D. Auston be dismissed.

After due consideration of ORS’s Motion to Dismiss, the Commission is of the opinion, and so finds, that ORS’s Motion to Dismiss should be granted.

IT IS THEREFORE ORDERED:

1. That Motion to Dismiss Petition for Rule to Show Cause against H. D. Auston & Son, Inc. d/b/a H. D. Auston & Son Moving & Storage of the South Carolina Office of Regulatory Staff is hereby granted.

2. That Petition for Rule to Show Cause against H. D. Auston & Son, Inc. d/b/a H. D. Auston & Son Moving & Storage is hereby dismissed.

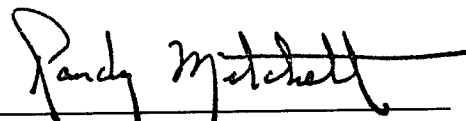
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3. That this Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSON:

  
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Randy Mitchell, Chairman

ATTEST:

  
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G. O'Neal Hamilton, Vice Chairman

(SEAL)